

Applicant or Patentee: DONALD PAYAN Attorney's Office No.: A-65679/DJB/RMS  
Serial or Patent No.: 09/050,861  
Filed or Issued: MARCH 30, 1998  
For: TOSO AS A TARGET FOR DRUG SCREENING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: RIGEL CORPORATION  
ADDRESS OF SMALL BUSINESS CONCERN: 722 LUCERNE DRIVE, SUNNYVALE, CA 94086

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled, TOSO AS A TARGET FOR DRUG SCREENING  
by inventor(s) DONALD PAYAN, described in

- ☐ the specification filed herewith  
☒ application serial no. 09/050,861, filed March 30, 1998  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING DONALD G. PAYAN  
TITLE IN ORGANIZATION VP R&D  
ADDRESS OF PERSON SIGNING 24 Windsor Dr. Hillsborough CA

SIGNATURE Donald G. Payan DATE 6/5/98

# DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TOSO AS A TARGET FOR DRUG SCREENING  
the specification of which

(check ☐ is attached hereto.  
one)

☒ was filed on 3/30/98 as  
Application Serial No. 09/050,861  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

Direct all telephone calls to Robin M. Silva at (415) 781-1989.

Address all correspondence to:

ROBIN M. SILVA  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-65679/DJB/RMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

DONALD PAYAN

Inventor's signature:

Donald G. Payan

Date:

6/5/98

Residence:

Hillsborough, CA

Citizenship:

US

Post Office Address:

24 Windsor Drive

Hillsborough, CA 94010

Full name of second joint  
inventor, if any:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Full name of third joint  
inventor, if any:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

POWER OF ATTORNEY BY ASSIGNEE  
(Not Accompanying Application)

To the Assistant Commissioner for Patents:

The undersigned assignee of the entire interest in application for letters patent  
entitled: TOSO AS A TARGET FOR DRUG SCREENING

and having the named inventors: DONALD PAYAN

Serial No. 09/050,861 filed on or about the 30TH day of March, 1998, hereby  
appoints the following attorneys to prosecute this application and to transact all business  
in the Patent and Trademark Office connected therewith; said appointment to be to the  
exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions  
of 37 C.F.R. 1.32: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048;  
Thomas O. Herbert, Reg. No. 18,612; Donald N. MacIntosh, Reg. No. 20,316; Jerry G. Wright,  
Reg. No. 20,165; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774;  
Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B.  
Chickering, Reg. No. 24,286; Gary S. Williams, Reg. No. 31,066; Richard F. Trecartin,  
Reg. No. 31,801; C. Michael Zimmerman, Reg. No. 20,451; Walter H. Dreger, Reg. No. 24,190;  
Steven F. Caserza, Reg. No. 29,780; William S. Galliani, Reg. No. 33,885; Laura L.  
Kulhanjian, Reg. No. 33,257; Julian Caplan, Reg. No. 14,785; and Robin M. Silva, Reg.  
No. 38,304;

provided that if any one of said attorneys ceases being affiliated with the law firm  
of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such  
attorney's appointment as attorney and all powers derived therefrom shall terminate on  
the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary  
documents with respect to its ownership have been reviewed and that, to the best of  
assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.

Address all correspondence to:

ROBIN M. SILVA  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

Assignee: Rigel Corporation

By: X DONALD G. PAYAN  
(typed name)

Signature: X Donald G. Payan

Title: X VP R+D COO

Address: 722 Lucerne Drive

Sunnyvale, CA 94086

Date:

6/5/98

File No. A-65679/DJB/RMS